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DISCUSSION QUESTIONS FOR THE ENVIRONMENTAL BILL OF RIGHTS

The purpose of this comment sheet is to help you focus on specific aspects of the draft Environmental Bill of Rights (EBR). Comments on any other aspects of the bill are also welcome. Many of these questions will require a close reading of the Task Force Report. You need only answer those questions in which you are interested. If you require more space for your comments, you may use additional pages.

Please mail your comments and suggestions to:

Environmental Bill of Rights
Attention: Ruth Grier
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Thank you for taking the time to send your comments and suggestions for improving the Environmental Bill of Rights. Your efforts will contribute to the promotion of a cleaner and healthier environment in Ontario.



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1. Statement of Purposes (Section 2 of EBR, page 150 of the Task Force Report)

The Statement of Purposes influences the interpretation of the entire legislation. The draft bill lists a number of purposes for the bill, including the protection, conservation and, where reasonable, restoration of the environment, provision for sustainability of the environment, and protection of the right of present and future generations to a healthful environment.

Do you have any comments about the Statement of Purposes?

Yes

No

My comments are:

2. Statement of Environmental Values (Sections 5-9, page 151)

Each designated ministry must prepare a formal Statement of Environmental Values. The objective of this statement is to ensure that environmental considerations and the purposes of the Environmental Bill of Rights are integrated with the social, economic and scientific considerations already applied by each ministry when making decisions that affect the environment. There will be consultation with the public on the content of each designated ministry's statement at a later date.

Do you have any comments about the requirement for ministries to develop statements of environmental values?

Yes

No

My comments are:

3. *Environmental Registry (Sections 10-21, pages 151-154)*

The government will establish an Environmental Registry. This Registry will facilitate public involvement directly in environmental decision-making and aid members of the public in scrutinizing how a ministry applies its Statement of Environmental Values to its decision-making. The Registry will provide notice of proposed policies, regulations and instruments that may have a significant effect on the environment.

a. *Would you personally make use of the Environmental Registry?* Yes No

For what purposes?

b. *Do you have any comments about the Environmental Registry?* Yes No

My comments are:

- c. What features of an Environmental Registry (e.g. accessibility, cost) would be important to you to facilitate or improve your use of the Registry?**

Important features:

- d. The Task Force proposes that only those environmental decisions which are "significant" should go through the Environmental Registry System. The Task Force Report defines the "significance" of environmental decisions according to four factors:**

- potential impact on the environment
- geographic extent of the impact
- public interest in the decisions and
- importance to the government and persons dependent upon the decision once it is made.

Are there any factors other than these which you think ought to be included when determining the significance of an environmental decision?

Yes

No

If yes, what are they?

e. Should the following potential users pay for access to the Registry:

Members of the public Yes No

Law firms Yes No

Corporations Yes No

4. *Office of the Environmental Commissioner (Sections 22-24, pages 154-156)*

The Environmental Commissioner will oversee and measure ministries' progress in implementing the Environmental Bill of Rights and the use of their statements of environmental values.

Do you have any comments about the role of the Office of the Environmental Commissioner?

Yes No

My comments are:

5. *Applications for Investigations and Review (Sections 25-38, pages 156-160)*

Members of the public will be able to submit formal requests asking that the government a) investigate alleged incidents of environmental harm, and b) review the existing environmental laws, policies, regulations or instruments, or the need for new environmental laws, policies, regulations or instruments.

- a. Do you have any comments about the proposal to provide the public with the opportunity to request an investigation of alleged incidents of environmental harm?**

Yes

No

My comments are:

- b. Do you have any comments about the proposal to provide the public with the opportunity to request a review of existing environmental laws, policies, regulations, or instruments, or the need for new environmental laws, policies, regulations or instruments?**

Yes

No

My comments are:

c. **Are there current laws, policies, regulations or instruments which you would like to see reviewed?**

Yes

No

If yes, what are they?

6. *Access to the Courts (Sections 39-57, pages 160-166)*

The proposed bill will remove certain barriers to the public's right to take direct legal action to safeguard a healthy environment.

Do you have any comments about the bill's provisions to increase access to the courts for the protection of public resources from environmental harm?

Yes

No

My comments are:

7. Removal of Legal Barriers to the Use of Public Nuisance (Section 58, page 166)

Any person who has experienced direct economic loss or direct personal injury as a result of a public nuisance that causes harm to the environment will be able to seek compensation in a court action. Currently, such individuals cannot seek redress unless they can prove a special level of harm.

Do you have any comments about the removal of the legal barriers to the use of public nuisance as a means to seek redress for environmental harm through the courts.

Yes

No

My comments are:

8. Whistle Blower Protection (Sections 59-72, pages 166-168)

Under the *Environmental Protection Act*, employees cannot be dismissed, penalized, coerced or otherwise intimidated for "blowing the whistle" on an employer who is breaking one of Ontario's environmental laws or regulations. The bill will extend worker safeguards to a longer list of environmental laws and to worker action relating to the Environmental Bill of Rights.

Do the whistle blower sections provide sufficient protection to encourage employees to report an incident of environmental harm at work?

Yes

No

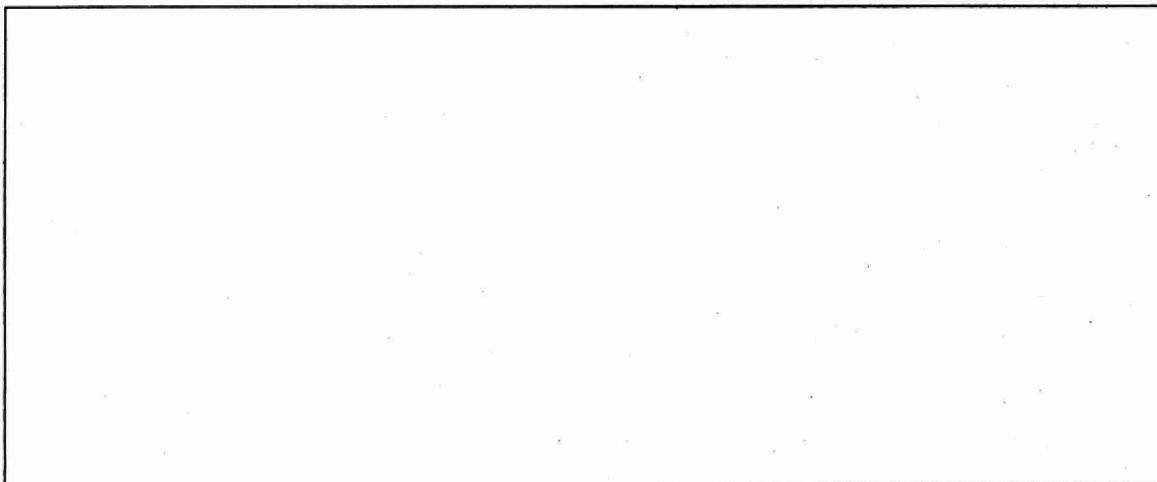
If not, what comments do you have about the whistle blower sections?

9. *Application to the Ministry of the Environment and the Ministry of Natural Resources (pages 119-147)*

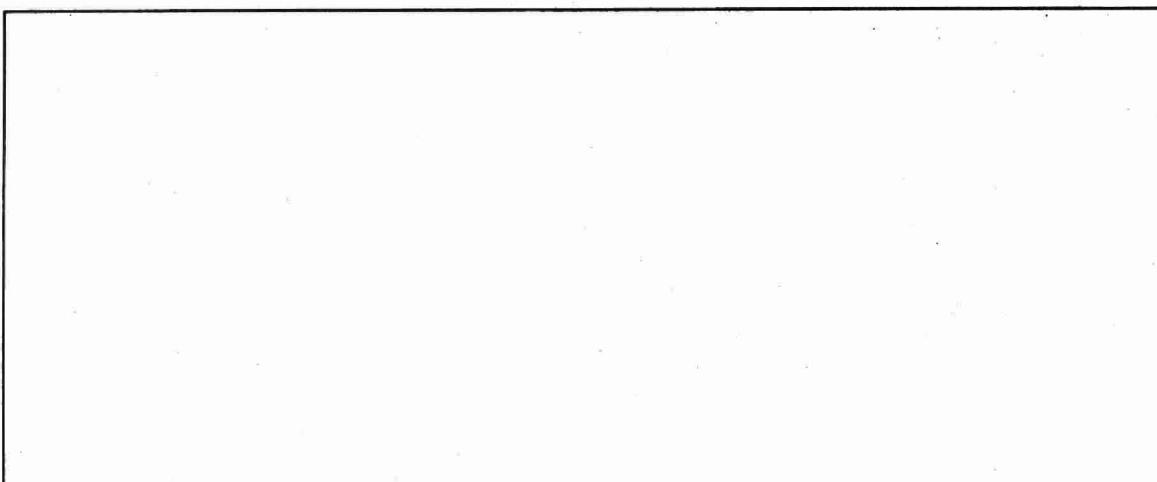
Section E of the Task Force Report illustrates how the proposed system for public participation would apply to the Ministry of the Environment and the Ministry of Natural Resources.

a. Ministry of the Environment:

- What acts and other legal instruments have *not* been listed by the Task Force Report that should be *included*?**

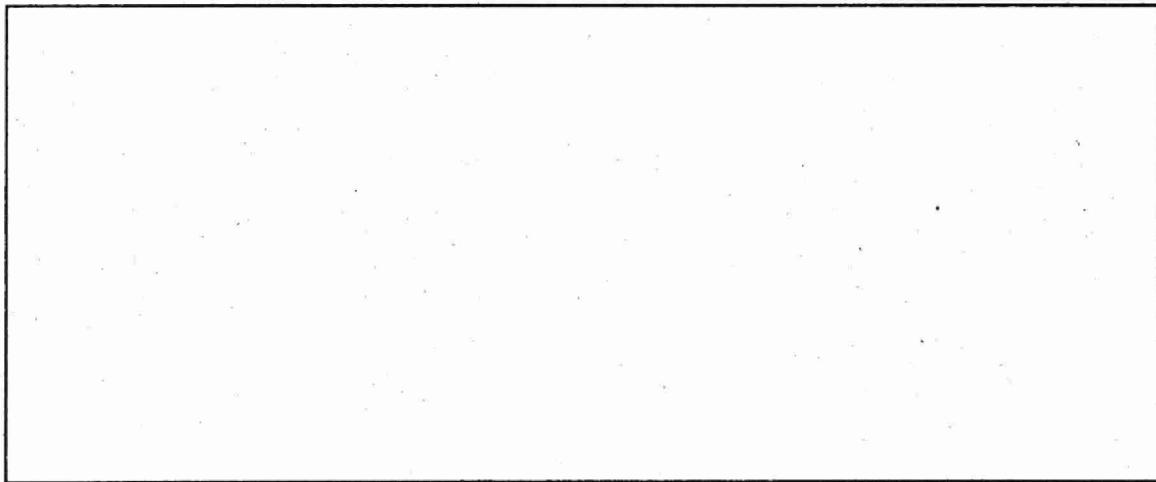


- What acts and other legal instruments have been listed by the Task Force Report that should be *excluded*?**

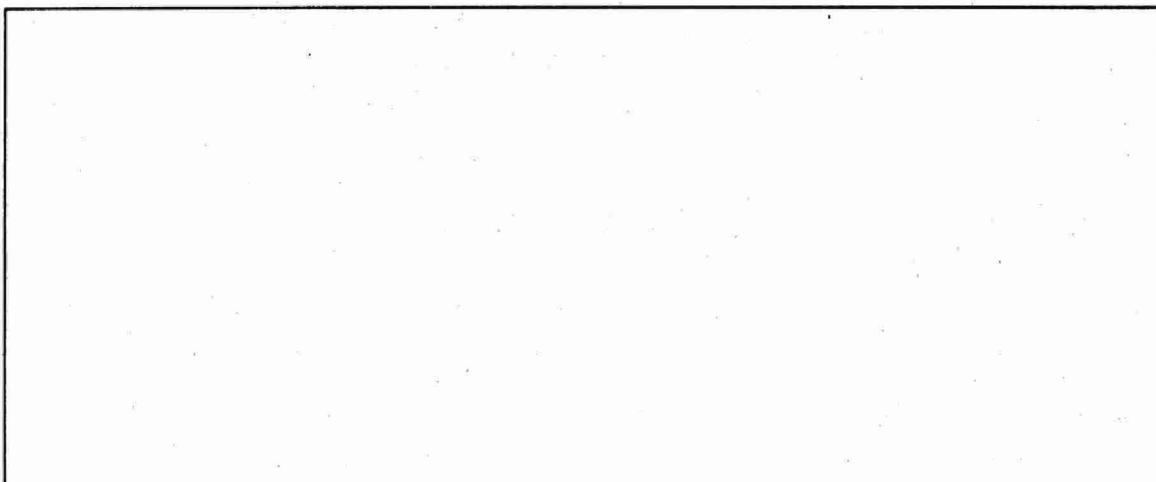


b. **Ministry of Natural Resources:**

- **What acts have *not* been listed by the Task Force Report that should be *included*?**



- **What acts have been listed by the Task Force Report that should be *excluded*?**



10. GENERAL

- a. Do you have any other comments or suggestions to make about the draft Environmental Bill of Rights?

Yes

No

My comments and suggestions are:

- b. In preparing your comments and suggestions did you read:

The draft Environmental Bill of Rights?

Yes No

The Report of the Task Force on the Environmental Bill of Rights?

Yes No

The Ministry of the Environment's Brochure on the Environmental Bill of Rights?

Yes No

Ontario's Proposed Environmental Bill of Rights: An Overview?

Yes No

Newspaper and magazine articles?

Yes No

Other? _____

Yes No